

**CITY OF HOLMES BEACH
ORDINANCE NO 22-13**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HOLMES BEACH AMENDING SECTION 6.6 DISTRICT REGULATIONS, OF THE CITY'S LAND DEVELOPMENT CODE, TO PROHIBIT THE AUTOMOBILE RENTAL USE IN THE C-3 ZONING DISTRICT; PROVIDING FOR THE ESTABLISHMENT OF LEGAL NON-CONFORMING USES; PROVIDING FOR CONFLICTS, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holmes Beach continues to review land development regulations to ensure conformity with the vision of the City's Comprehensive Plan; and

WHEREAS, as commercial redevelopment continues to surge throughout the City, the Commission desires to regulate certain uses within its commercial districts; and

WHEREAS, the City Commission finds that as an island community, certain uses are not appropriate not only due to size constraints for commercial parcels but also due to the continuing increase in the population of both residents and tourists; and

WHEREAS, neighboring communities on Anna Maria Island allow only limited, if any, facilities for the commercial use of automobile rentals within their jurisdictions; and

WHEREAS, the City's Land Development Code presently allows for automobile rental establishments as a special exception use within the C-3 Commercial Zoning District; and

WHEREAS, the City Commission desires allow for the continuance of current automobile rental establishments with the use approved by either site plan, special exception, or by the possession of a Business Tax Receipt for golf cart, low speed vehicle, or automobile rentals, but prohibit any expansion of those uses or any new automobile rental establishment use; and

WHEREAS, City Commission desires to prohibit automobile rental establishments in the C-3 commercial district in keeping with the vision of the City's Comprehensive Plan; and

WHEREAS, Article VIII, Section 2, of the Florida Constitution and Section 166.021(1), Florida Statutes, provide that a municipality may exercise any power for municipal purposes, except when expressly prohibited by law.

NOW, THEREFORE, be it ordained by the City Commission of the City of Holmes Beach, Florida, as follows:

SECTION 1. The above "whereas" clauses are adopted herein as findings of fact.

SECTION 2. Section 6.6 (J)(2)(b) is amended as follows:

b. SPECIAL EXCEPTION USES (site plan review required)			
(1)	Ambulance service and/or funeral homes or parlors.	(12)	Printing and lithograph shops.
(2)	Automobile repair garages.	(13)	Newspaper publishing.
(3)	Automobile filling stations.	(14)	Nursery and garden supplies.
(4)	Automobile wash and polish stations.	(15)	General contractors and construction trades, including electrical contractors, plumbing contractors, painting contractors, air conditioning contractors, heating and refrigeration contractors, roofing contractors, paving contractors.
		(16)	Essential services.
(5)	Boat builders; boat dealers and/or marine supplies.	(17)	Warehousing, mini-storage and lockers.
(6)	Boat marinas, which may include the following associated commercial uses or activities: repairs to boats and motors, sale of boats and marine supplies, storage and rental of boats and motors, onshore restaurant, onshore transient lodging, onshore sundries store and onshore sanitary facilities (refer to section 6.7, of this article for special regulations applicable to onshore lodging).	(18)	Supplemental parking on commercially zoned parcels.
(7)	Broadcasting and television stations, including earth stations for reception of television, radio or other broadcasting.	(19)	The location and use of microphones, loudspeakers or amplifiers in outdoor dining and recreation activity areas as accessory uses to approved restaurants with indoor dining seating.
(8)	Commercial fisheries.	(20)	Nightclub and stand-alone nightclub [Refer to Section 6.8(b) Chapter 6, Alcoholic Beverages, in the City's Code of Ordinances for specific regulations applicable to nightclubs.]
(9)	Exterminators, disinfectors and/or fumigators.	(21)	Stand-alone bar.
(10)	Furniture repairs and upholstering.	(22)	Any use listed under principal permitted uses or special exception uses that meets the definition of a formula business and that is located on property within the MXD mixed-use overlay district (refer to

		subsection 6.7.CC for applicable supplemental use regulations).
(11)	Hauling contractors.	
NOTE: Refer to sections 6.7 and 6.8 for additional regulations that may apply to allowable uses in this district.		

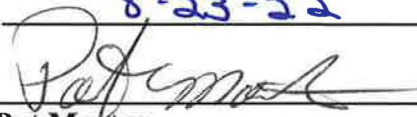
SECTION 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase in this Ordinance is held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions of this Ordinance.

SECTION 4. Conflicting Ordinances. Any section or provision in the City's Code of Ordinances that conflicts with the provisions of this Ordinance is hereby superseded.

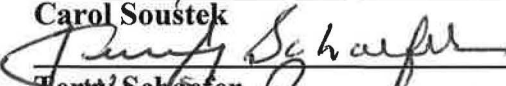
SECTION 5. Effective Date. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

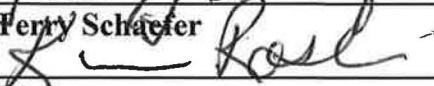
PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this 23rd day of August, 2022.

First Reading: 7-20-22
Publication Date: 8-7-22
Second Reading and Public Hearing Date: 8-23-22


Pat Morton

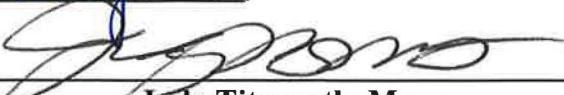

Carol Soustek


Terry Schaefer


Kim Rash


Jayne Christenson

APPROVED THIS 24th DAY OF August, 2022.


Judy Titsworth, Mayor

ATTEST: 
Stacey Johnston, MMC, City Clerk